

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BEASTIE BOYS, a New York partnership; MICHAEL  
DIAMOND; ADAM HOROVITZ; and DECHEN  
YAUCH, as Executor of the Estate of Adam Yauch,  
Deceased, each individually and collectively d/b/a  
BROOKLYN DUST MUSIC,

Plaintiffs,

-v-

Monster Energy Company,

Defendant.

12 Civ. 6065 (PAE)

VERDICT FORM

Instructions: When answering the following questions and filling out this Verdict Form, please answer the questions in the sequence in which they appear, and follow the directions provided in this form. Your answer to each question must be unanimous. Please refer to the Jury Charge for guidance on the law applicable to the subject matter covered by each question.

Jury Note # 6  
Case: Beastie v Monster (12-6065 (PAE))  
Date: 6/5/14  
Time: 4:29 AM

**Copyright Infringement—Damages**

The parties agree that Monster infringed the Beastie Boys' copyrights in the five musical compositions and five sound recordings at issue. Therefore, you must determine the amount of damages that Monster should pay for copyright infringement. The Beastie Boys may choose to recover either actual damages or statutory damages.

1. Actual Damages: For each of the following copyrights, state the amount of actual damages that you award the Beastie Boys as a result of Monster's infringement.

Work	Actual Damages
"So Watcha Want" (Musical Composition)	\$100,000
"So Watcha Want" (Sound Recording)	\$100,000
"Sabotage" (Musical Composition)	\$100,000
"Sabotage" (Sound Recording)	\$100,000
"Looking Down the Barrel of a Gun" (Musical Composition)	\$100,000
"Looking Down the Barrel of a Gun" (Sound Recording)	\$100,000
"Make Some Noise" (Musical Composition)	\$100,000
"Make Some Noise" (Sound Recording)	\$100,000
"Pass the Mic" (Musical Composition)	\$100,000
"Pass the Mic" (Sound Recording)	\$100,000

2. State of Mind: Do you find that Monster's copyright infringement was innocent, willful, or regular (*i.e.*, neither innocent nor willful)?

Innocent: \_\_\_\_\_

Willful: ☒ \_\_\_\_\_

Regular: \_\_\_\_\_

3. Statutory Damages: For each of the following copyrights, state the amount of statutory damages that you award the Beastie Boys as a result of Monster's infringement.

*Be sure that each statutory damage awards falls within the appropriate range based on your finding, in response to Question 2, as to Monster's state of mind:*

Answer to Question 2	Minimum	Maximum
Innocent	\$200	\$30,000
Regular	\$750	\$30,000
Willful	\$750	\$150,000

Work	Statutory Damages
"So Watcha Want" (Musical Composition)	\$120,000
"So Watcha Want" (Sound Recording)	\$120,000
"Sabotage" (Musical Composition)	\$120,000
"Sabotage" (Sound Recording)	\$120,000
"Looking Down the Barrel of a Gun" (Musical Composition)	\$120,000
"Looking Down the Barrel of a Gun" (Sound Recording)	\$120,000
"Make Some Noise" (Musical Composition)	\$120,000
"Make Some Noise" (Sound Recording)	\$120,000
"Pass the Mic" (Musical Composition)	\$120,000
"Pass the Mic" (Sound Recording)	\$120,000

**False Endorsement—Liability and Damages**

4. Liability: Do you find that the Beastie Boys have shown, by a preponderance of the evidence, that Monster used the Beastie Boys' persona without permission, thereby suggesting a false endorsement of Monster's products?

Yes: ☒ No: ☐

*[If yes, go to question 5(a). If no, stop—you have reached your verdict. Please proceed to the "Verdict Certification" page and follow the directions there.]*

5. Eligibility for Damages:

- a. Do you find that the Beastie Boys have shown, by a preponderance of the evidence, that Monster intended to deceive consumers concerning the Beastie Boys' endorsement of its products?

Yes: ☒ No: ☐

*[If yes, go to question 5(b). If no, go to question 7.]*

- b. Do you find that Monster has shown, by a preponderance of the evidence, that consumers were not, in fact, confused or deceived as to whether the Beastie Boys endorsed Monster's products?

Yes: ☐ No: ☒

*[If yes, go to question 7. If no, go to question 6.]*

6. Damages: What amount of damages do you award the Beastie Boys as a result of Monster's false endorsement?

\$ 500,000

*[After completing this question, go to question 7.]*

7. Separate Finding as to Bad Faith: Do you find that the Beastie Boys have shown, by a preponderance of the evidence, that Monster acted in bad faith in causing the false endorsement?


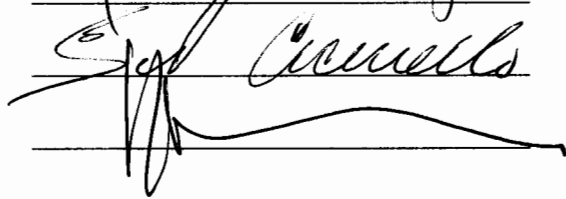
Yes: ☒ No: ☐

**VERDICT CERTIFICATION**

**PRINTED NAME**

**SIGNATURE**

(foreperson) Thomas S. Pinto  
Khadidja B. Sow  
Victoria Hoggard  
Nicole Van Leight  
Carrie L. Peyton  
George Chandler  
Salvatore Cicciello  
KIM BEN-SALAHEDDIN

  
Khadidja B. Sow  
Victoria Hoggard  
Nicole Van Leight  
Carrie L. Peyton  
George Chandler  
Salvatore Cicciello  


BY PRINTING AND SIGNING YOUR NAME ABOVE, EACH JUROR IS INDICATING THAT HE OR SHE AGREES WITH EACH AND EVERY ANSWER REPORTED ON THIS VERDICT FORM. AFTER EACH MEMBER OF THE JURY HAS PRINTED AND SIGNED THE VERIFICATION, THE FOREPERSON SHOULD SUMMON THE MARSHAL AND ADVISE HIM OR HER THAT YOU ARE READY TO REPORT YOUR ANSWERS TO THE COURT.